

MINUTES

CASE NUMBER: CR 03-00367DAE
CASE NAME: USA v. (02)Randall Spear
ATTYS FOR PLA: Chris A. Thomas
ATTYS FOR DEFT: (02)Michael Jay Green
USPO: Mona Godinet

JUDGE:	David Alan Ezra	REPORTER:	Cynthia Fazio
DATE:	09/17/2007	TIME:	1:30pm-1:40pm(m/d) 1:40pm-2:35pm(sent)

COURT ACTION: EP: Sentencing to Count 1 of the Indictment as to Defendant (02)Randall Spear. Government's Motion for Downward Departure.

The Memorandum Plea Agreement is accepted.

Government's Motion for Downward Departure-GRANTED.

Defendant (02)Randall Spear present, not in custody.

Presentence Report adopted. Sentencing recommendations heard. Allocution by Defendant (02)Randall Spear.

SENTENCE:

Imprisonment: 48 MONTHS and ONE DAY

Supervised Release: 4 YEARS

CONDITIONS:

1. Defendant shall abide by the standard conditions of supervision.
2. Defendant shall not commit any federal, state, or local crimes.
3. Defendant shall not possess illegal controlled substances.
4. Defendant shall cooperate in the collection of DNA as directed by the

probation officer.

5. Defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter, but no more than 8 valid drug tests per month during the term of supervised release.
6. Defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
7. Defendant shall participate in and comply with substance abuse treatment including counseling, which includes drug and alcohol testing in a program approved by the Probation Office. Defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
8. Defendant shall execute all financial disclosure forms and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
9. Defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.
10. That the fine of \$3,500 is due immediately and any remaining balance upon release from confinement be paid during the period of supervision on an installment basis according to the collection policy of the Probation Office but at a rate of not less than 10 percent of his monthly gross income. Interest is waived while the defendant is serving his term of imprisonment and shall commence to accrue on any remaining balance upon his release on supervision.

Special Assessment: \$100.00. Fine: \$3,500.00

JUDICIAL RECOMMENDATIONS: Prison Camp at Sheridan, OR or Taft, CA.
Educational opportunities and Vocational training. 500 hour drug treatment program.
Alcohol treatment.

Defendant advised of his right to appeal.

Government's Oral Motion to Dismiss All Remaining Counts as to this Defendant Only - GRANTED.

Current bail conditions of release to continue.

Mittimus is stayed until 1/7/2008.

Defendant to self-surrender @2:00 p.m. on 1/7/2008 at the facility designated by the Bureau of Prisons. The time is the time at the facility.

Submitted by: Theresa Lam, Courtroom Manager